

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

ELIZABETH ROLAND, on her
own and as parent and next friend
of J.M., a Child,

Plaintiff,

v.

CV 21-0631 SCY/JHR

ALBUQUERQUE PUBLIC SCHOOLS
BOARD OF EDUCATION; CLEVELAND
MIDDLE SCHOOL; SCOTT ELDER,
Superintendent of the Albuquerque Public
Schools in his Official Capacity; Dr. DAVID
E. PEERCY, in his Official Capacity as Chair
of the APS Board of Education; and MARISOL
FRAGA, Principal of Cleveland Middle School
in her Official Capacity,

Defendants.

ORDER TO SHOW CAUSE

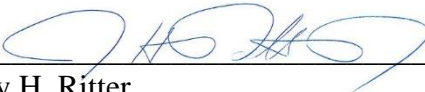
THIS MATTER is before the Court *sua sponte*. Federal Rule of Civil Procedure 4(m)
provides in part:

If a defendant is not served within 90 days after the complaint is filed, the court -
on motion or on its own after notice to the plaintiff - must dismiss the action without
prejudice against that defendant or order that service be made within a specified
time.

Plaintiff filed her Complaint on July 7, 2021. [Doc. 1]. The record reflects that Plaintiff has
not served the Defendants, or provided proof of service, within 90 days after the Complaint nor
has Plaintiff shown good cause for the failure to serve.

WHEREFORE, IT IS HEREBY ORDERED that, in order to avoid dismissal of this
action, Plaintiff must either effect service and provide proof thereof or provide the Court with a

written explanation showing good cause why service has not been made, on or before **Friday, November 12, 2021.**



Jerry H. Ritter
UNITED STATES MAGISTRATE JUDGE